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| EXAMINER RUBIN, BLAKE J | | | | |
| ART UNIT 2157 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/797,646

Applicant(s)

HARPER ET AL.

Examiner

BLAKE RUBIN

Art Unit

2157

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/2/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is a response to communications filed May 16, 2008.
2. Claims 1, 3-13, and 15-22 are pending in this application. Claims 1, 3-5, 8, 9, 11-13, 15, 16, and 19-21 have been amended, claims 2 and 4 have been cancelled, and claim 22 has been added.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Perras et al (U.S. Patent No. 6,904,033, hereinafter Perras).**

5. With respect to claim 15, Perras discloses a method for establishing a data communication session with a mobile subscriber in a wireless communication network, comprising (Col. 1, lines 8-11):

Receiving a request to register a data session (Col. 3, line 39, *MIP registration request*) with a packet data server (Col. 3, lines 39-40, *PDSN*) prior to a radio air link

being established with the mobile subscriber (Col. 4, 63-65, where the radio air link is not established until the MIP registration is complete);

sending no configuration request signal until the packet data server receives a signal indicating that a radio air link has been successfully established to the mobile subscriber (Col. 4, lines 65-67); and

following receipt of said signal indicating that the radio air link has been successfully established, sending a configuration request signal to the mobile subscriber (Col. 4, lines 63-65, *Agent Advertisement message*; Figure 2, **44**).

6. With respect to claim 16, Perras discloses a method for establishing a data communication session with a mobile subscriber in a wireless communication network, the method comprising (Col. 1, lines 8-11):

exchanging data session registration request (Col. 3, line 39, *MIP registration request*) and reply signals (Col. 4, line 19-20, *MIP registration reply*) between a packet control function module (Col. 3, lines 44-45, *PCF*) and a data packet server module (Col. 3, lines 39-40, *PDSN*) to register the data communication session according to a known communication control protocol (Col. 3, lines 29-31); and

preventing a transmission of a data session configuration request signal from the data packet server module to the mobile subscriber prior to an air link establishment by withholding the data session configuration request signal at the data packet server module until a triggering event is received by the packet data server indicating that the

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data session configuration request signal is to be sent to the mobile subscriber (Col. 4, lines 65-67).

7. With respect to claim 18, Perras discloses the method of claim 16, wherein withholding the data session configuration request signal continues until an event-based trigger signal is received by the packet data server (Col. 4, lines 65-67, *Responsive to the receipt*).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 6-11, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perras, in view of Cheng et al (Pat. No. 6,810,263) hereinafter Cheng-263.

10. With respect to claim 1, Perras discloses a method for establishing a data communication session with a mobile subscriber in a wireless communication network (Col. 1, lines 8-11), comprising:

receiving a request to register a data communication session (Col. 3, line 39, *MIP registration request*) with a packet data server (Col. 3, lines 39-40, *PDSN*) prior to a

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radio air link being established (Col. 4, 63-65, where the radio air link is not established until the MIP registration is complete) with a mobile subscriber (Col. 3, line 38, *mobile node*);

Sending a signal from the packet data server to trigger the establishment of a radio air link between the base station and the mobile subscriber to allow communication between the packet data server and the mobile subscriber (Col. 4, lines 63-65, *Agent Advertisement message*; Figure 2, **44**); and

But does not disclose waiting a set time period.

However, Cheng-263 disclose waiting a set time period before sending a configuration request to the mobile subscriber to allow establishment of the radio air link (Col. 4, lines 18-20, Figure 2, **235**).

It would have been obvious to one skilled in the art at the time the invention was made to combine Perras with Cheng-263 because a set wait time duration improves the efficiency of configuring users on the wireless network (Cheng-263: Col. 5, lines 3-6).

11. With respect to claim 6, the combination of Perras and Cheng-263 discloses the method of claim 1. Perras further discloses wherein registering the data session comprises registering the data session according to an A11 protocol compatible with a Point-to-Point Protocol (PPP) communication network (Col. 3, lines 33-34).

12. With respect to claim 7, the combination of Perras and Cheng-263 discloses the method of claim 1, Perras further discloses wherein sending the configuration request

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signal comprises sending a configuration request signal according to a protocol compatible with a Point-to-Point Protocol (PPP) communication network (Col. 3, lines 33-37).

13. With respect to claim 8, Perras discloses a method for communicating with a mobile subscriber in a wireless communication network (Col. 1, lines 8-11), comprising:

Receiving a request to register a data session (Col. 3, line 39, *MIP registration request*) with a packet data server (Col. 3, lines 39-40, *PDSN*) prior to a radio air link being established with the mobile subscriber (Col. 4, 63-65, where the radio air link is not established until the MIP registration is complete);

Sending an initial configuration signal to the mobile subscriber from the packet data server (Col. 4, lines 63-65, *Agent Advertisement message*; Figure 2, **44**);

But does not disclose waiting a set time period.

However Cheng-263 disclose waiting a first set time period from sending the initial configuration request signal to the mobile subscriber (Col. 4, lines 18-20, Figure 2, **235**) before sending a second initial configuration request signal, wherein the first set time period provides additional time for the establishment of the radio air link (Col. 4, lines 23-32; Figure 2, **230**).

It would have been obvious to one skilled in the art at the time the invention was made to combine Perras with Cheng-263 because a set wait time duration improves the efficiency of configuring users on the wireless network (Cheng-263: Col. 5, lines 3-6).

14. With respect to claim 9, the combination of Perras and Cheng-263 discloses the method of claim 8, Cheng-263 further discloses the method providing a second wait time period triggered by a data communications error event before sending a configuration request signal to the mobile subscriber (Cheng-263: Col. 3, lines 65-66; Col. 4, lines 1-16).

15. With respect to claim 10, the combination of Perras and Cheng-263 discloses the method of claim 8, Perras further discloses repeatedly waiting a time equal to the first wait time period until an air link to the mobile subscriber is successfully established (Col. 5, lines 40-47).

16. With respect to claim 11, the combination of Perras and Cheng-263 discloses the method of claim 9. Perras further discloses providing a second wait time period comprises providing a second wait time period have a duration equal to a default time-out duration defined by a communication protocol controlling the data (Col. 4, lines 55-63).

17. With respect to claim 17, Perras discloses the method of claim 16, but does not disclose a time-base trigger.

However, Cheng-263 further discloses a method wherein withholding the data session configuration request signal continues until a time-based trigger signal is received by the packet data server (Col. 4, lines 18-20, Figure 2, **235**).

It would have been obvious to one skilled in the art at the time the invention was made to combine Perras with Cheng-263 because a set wait time duration improves the efficiency of configuring users on the wireless network (Cheng-263: Col. 5, lines 3-6).

18. With respect to claim 18, Perras discloses the method of claim 16, but does not disclose a time-base trigger.

However, Cheng-263 further discloses a method wherein withholding the data session configuration request signal continues until an event-based trigger signal is received by the packet data server (Col. 4, lines 18-20, Figure 2, **235**).

It would have been obvious to one skilled in the art at the time the invention was made to combine Perras with Cheng-263 because a set wait time duration improves the efficiency of configuring users on the wireless network (Cheng-263: Col. 5, lines 3-6).

19. With respect to claim 19, Perras discloses a system for wireless communication (Col. 1, lines 8-11), comprising:

a packet data server (Col. 3, lines 39-40, *PDSN*);

a communication network adapted for carrying control and data packets between a mobile subscriber and the packet data server (Col. 3, lines 37-41);

said packet data server including a processor that triggers the establishment of the radio air link and attempts sending a configuration request signal over said communication network responsive to an indication that said radio air link is ready to carry said configuration request signal to said mobile subscriber to establish a first connection (Col. 4, lines 65-67).

But does not disclose a delay time.

a radio air link portion of said communication network, the radio air link having associated therewith an air link establishment delay time (Col. 4, lines 18-20, Figure 2, **235**).

It would have been obvious to one skilled in the art at the time the invention was made to combine Perras with Cheng-263 because a set wait time duration improves the efficiency of configuring users on the wireless network (Cheng-263: Col. 5, lines 3-6).

20. With respect to claim 20, the combination of Perras and Cheng-263 discloses the system of claim 19. Cheng-263 further discloses the indication comprises a time-based signal indicating that a wait time exceeding the air link establishment delay time has elapsed (Col. 4, lines 18-20, Figure 2, **235**).

21. With respect to claim 21, the combination of Perras and Cheng-263 discloses the system of claim 19, Perras the indication comprises an event-based signal indicating that the air link has been successfully established to the mobile subscriber (Col. 4, lines 65-67).

22. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Perras and Cheng-263, as applied to claim 1 above, in view of Levenson et al (Pat. No. 6,791,945) hereinafter Levenson.

23. With respect to claim 3, the combination of Perras and Cheng-263 discloses the method of claim 1, but fails to disclose a method for including a dynamic wait time.

However Levenson disclose a dynamic duration for the set time period based on a network (Levenson: Col. 2, lines 42-60).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Cheng-263 with Levenson because a dynamic wait time increases the versatility of configuring users on the wireless network (Levenson: Col. 4, lines 10-21).

24. Claims 4, 5, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Perras and Cheng-263, as applied to claims 1 and 8 above, in view of Kokko et al (Pat. No. 6,005,852) hereinafter Kokko.

25. With respect to claim 4, the combination of Perras and Cheng-263 discloses the method of claim 1, but fails to disclose a method for a wait time duration between 10 milliseconds and 1 second.

However Kokko discloses waiting the set time period comprises providing a wait time period having a duration between 10 milliseconds and 1 second (Kokko: Col 9, lines 5-13).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Cheng-263 with Kokko because a wait time duration between 10 milliseconds and 1 second increases the efficiency of configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

26. With respect to claim 5, the combination of Perras and Cheng-263 discloses the method of claim 1, but fails to disclose a method for a wait time duration of 100 milliseconds.

However Kokko discloses waiting the set time period comprises providing a wait time period having a duration of approximately 100 milliseconds (Kokko: Col 9, lines 5-13).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Cheng-263 with Kokko because a wait time duration of 100 milliseconds increases the efficiency of configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

27. With respect to claim 12, the combination of Perras and Cheng-263 discloses the method of claim 8, but fails to disclose a method a for a wait time between 10 milliseconds and 1 second.

However Kokko discloses a wait time period providing a first set time period having a duration between 10 milliseconds and 1 second (Kokko: Col 9, lines 5-13).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Cheng-263 with Kokko because a wait time duration between 10 milliseconds and 1 second increases the efficiency of configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

28. With respect to claim 13, the combination of Perras and Cheng-263 discloses the method of claim 8, but fails to disclose a method a for a wait time of 100 millisecond.

However Kokko discloses providing a wait time period providing a first set time period having a duration of approximately 100 milliseconds (Kokko: Col 9, lines 5-13).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Cheng-263 with Kokko because a wait time duration of 100 milliseconds increases the efficiency of configuring users on the wireless network (Kokko: Col. 8, lines 49-56).

29. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perras, in view of Cheng et al (Pat. No. 6,076,181) hereinafter Cheng-181.

30. With respect to claim 22, the combination of Perras and Cheng-263, but fail to disclose a method for buffering data packets.

However Cheng-181 discloses buffering the data packets prior to the successful establishment of a radio air link to the mobile subscriber (Cheng-181: Col. 6, lines 64-67; Col. 7, lines 1-14).

It would have been obvious to one skilled in the art at the time the invention was made to combine the combination of Perras and Chang-263 with Cheng-181 because a buffer improves the efficiency of configuring users on the wireless network (Cheng-181: Col. 3, lines 28-37).

Response to Arguments

31. Applicant's arguments with respect to claims 1, 8, 15, and 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571) 270-3802. The examiner can normally be reached on M-R: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJR

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157